1 STATE OF NEW MEXICO BEFORE THE SECRETARY OF ENVIRONMENT 2 3 NEW MEXICO ENVIRONMENT Case No. SWB 20-01 (CO) 4 DEPARTMENT RESOURCE PROTECTION DIVISION, 5 Complainant, 6 v. 7 BL SANTA FE, LLC, 8 and 9 HRV HOTEL PARTNERS, LLC 10 Respondents. 11 12 RESPONDENT BL SANTA FE, LLC'S FIRST SET OF INTERROGATORIES 13 14 TO: Christopher Atencio New Mexico Environment Department 15 121 Tijeras Avenue NE 16 Albuquerque, NM 87012 Pursuant to 20.1.5.300 NMAC, Respondent BL Santa Fe, LLC ("BL Santa Fe") requests 17 that New Mexico Environment Department respond to the below Interrogatories. 18 19 **DEFINITIONS** 1. The "Compliance Order" means the Administrative Order Requiring Compliance 20 and Assessing a Civil Penalty issued to BL Santa Fe, LLC and HRV Hotel Partners, LLC, No. 21 SWB 20-001(CO), dated January 29, 2020. 22 2. The "Pueblo" means the Pueblo of Pojoaque, including any past or present tribal 23 council members, general council members, elected officials, representatives, agents, 24 employees, attorneys, and all others acting for or on its behalf. 25 3. "Regarding" means in any way or degree pertaining to, arising out of, relating to, 26 or concerning. 27

28

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

- 4. "Document" means all documents producible, as well as written material of whatever nature, whether printed, typed, handwritten or machine readable, and including without limitation all letters, original documents, statements, copies, notes, drawings, plans, sketches, diagrams, graphics, maps, diaries, logs, charges, invoices, receipts, bills, memoranda, reports, test results, contracts, proposals, photographs, photostats, audio or video tape recordings, movies, and computer generated materials, and all originals and copies that are identical to the original or that contain any commentary or notation that does not appear on the original, and includes all documents in the possession, custody or control of you or your attorneys, and all documents to which you have a right to access.
- 5. "Communications" means any transmission of information, including emails and text messages.

## **INTERROGATORIES**

- 1. What witnesses, documents, and other evidence support your allegations that the transporters identified in paragraphs 16(A) - (D) and 19 of the Compliance Order were not registered to haul the sludge, did not have required manifests, and that BL Santa Fe was aware of those facts?
- 2. What witnesses, documents, and other evidence support your allegation in paragraph 16(E) of the Compliance Order that BL Santa Fe misled transporters regarding the nature of the waste?
- 3. What communications do you contend BL Santa Fe had with the Pueblo, if any, regarding the sludge and disposal described in paragraph 21 of the Compliance Order, and what witnesses or documents evidence those communications?
- 4. What communications did the Pueblo have with the NMED regarding the sludge and disposal described in paragraph 21 of the Compliance Order, including the subject and content of the communications, when they occurred, and the parties to the communications?
- 5. What witnesses, documents, or other evidence are you aware of regarding the physical and chemical characteristics of the sludge described in paragraph 21 of the Compliance Order, what do you contend were the characteristics of the sludge, and why?

6.	How long has the disposal lo	cation described in paragraph 21 of the Compliance
Order accepted waste for disposal, who operates the location, and what is the volume and		
characteristics of the waste that has been placed at the location for the past ten (10) years?		
7.	With respect to each of your	witnesses to be presented at the hearing, what is the
subject matter and content of their expected testimony?		
DATED this 13 <sup>th</sup> day of December, 2021.		
		SNELL & WILMER L.L.P.
		Magay a. Maishall
	Ву:	Gregory J. Marshall
	•	Gregory J. Marshall One Arizona Center
		400 E. Van Buren
		Phoenix, Arizona 85004-2202 Telephone: 602.382.6514
		Email: gmarshall@swlaw.com
		Counsel for Respondent BL Santa Fe, LLC
The foregoing interrogatories are issued in accordance with 20.1.5.300(F)(1) NMAC.		
	By:	
	·	Gregory Chakalian
		Hearing Officer Administrative Hearings Office
		Administrative Hearings Office

## **CERTIFICATE OF SERVICE** I certify that on this 13th day of December, 2021, a copy of the foregoing First Set of Interrogatories was served via first class mail and email to the following: Christopher Atencio Assistant General Counsel Legislative & Policy Legal Analyst New Mexico Environment Department Office of General Counsel 121 Tijeras Ave. NE Albuquerque, NM 87102 christopher.atencio@state.nm.us Counsel for the New Mexico Environment Department Holland Development Company (fka HRV Hotel Partners, LLC) 112 West San Francisco, Suite 310 Santa Fe, NM 87501 Magay a. Marshall